

FISCAL UPDATE Article

Fiscal Services Division

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END OF SESSION — HF 2338 — OPERATING WHILE INTOXICATED — TEMPORARY RESTRICTED LICENSES

Description. [House File 2338](#) strikes certain ineligibility periods for the issuance of a temporary restricted license (TRL) under Iowa Code chapter [321J](#), and requires the installation of an approved ignition interlock device on any motor vehicle owned or operated by the holder of a TRL. This Act expands the issuance of TRLs with an approved ignition interlock device to individuals charged with having committed an operating while intoxicated (OWI) offense while having a blood alcohol content (BAC) between .08 and .10.

The Act further strikes the provisions limiting the use of a TRL, allowing the holder of a TRL to operate a motor vehicle with an ignition interlock system in any manner allowed for a person issued a valid Class C license.

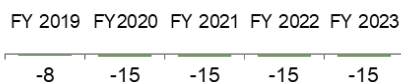
This Act does not strike the ineligibility periods for a person convicted under Iowa Code section [707.6A](#) (homicide or serious injury by vehicle) or amend provisions prohibiting a TRL holder from operating a commercial motor vehicle or school bus. The Act also does not amend TRL provisions under Iowa Code section [321.215](#) for violations solely under Iowa Code chapter [321](#).

This Act applies to persons applying for a TRL on or after July 1, 2018. Persons issued a TRL prior to July 1, 2018, may apply for a new TRL, which would be subject to the conditions of this Act.

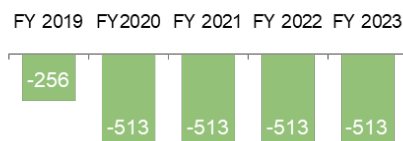
Correctional Impact. The Act is estimated to reduce prison orders and jail orders, and the Act is expected to reduce probation orders and Community-Based Corrections (CBC) orders for residential admissions. See **Chart 1** for more information regarding correctional impacts.

Chart 1 — Estimated Correctional Impacts Under HF 2338

Prison Admissions

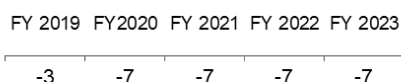


Jail Admissions

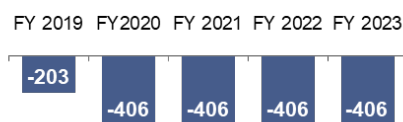


Community-Based Corrections

Residential Admissions



Probation Orders



This Act is estimated to reduce the prison population by 10 persons annually.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for convictions of simple and serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent Sentenced to State Prison	FY 2017 Avg Length of Stay in Prison (in months)	FY 2017 Prison Marginal Cost per Day	Avg Length of Stay on Parole (in months)	FY 2017 Marginal Cost per Day Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation (in months)	FY 2017 Avg Cost per Day on Probation	Percent sentenced to CBC Residential Facility	FY 2017 Marginal Cost CBC per Day	Percent Sentenced to County Jail	Avg Length of Stay in County Jail (in days)	Marginal Cost per Day
Serious Misdemeanor	2.0%	7.3	\$17.52	N/A	\$4.59	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00

Minority Impact. The Act is expected to have a positive minority impact. In FY 2017, approximately 13.8% of individuals convicted of driving while barred were African American. The U.S. Census estimate as of July 1, 2017, states that the Iowa population was 3.7% African American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact. The Act is estimated to have a fiscal impact on the General Fund by reducing operating costs associated with the Department of Corrections, the Judicial Branch, and the Indigent Defense Fund. **Table 2** below shows the estimated reduction in correctional and judicial-related costs.

Table 2 — Estimated Fiscal Impact of HF 2338

Offense	Cost Range	Decrease in Convictions		Decrease in Correctional Costs	
		FY 2019	FY 2020	FY 2019	FY 2020
Serious Misdemeanor	\$250 - \$4,900	-357	-714	(\$919,275)	(\$1,838,550)

Any reduction in convictions under Iowa Code section [321J.21](#) may result in a reduction of fines collected.

Enactment Date. This Act was approved by the General Assembly on April 4, 2018, and signed by the Governor on April 11, 2018.

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